

QUID NOVI

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QUID NOVI

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EDITORIAL

G-DAY

by Courtney Retter (Law I)

On January 16, 2009, at approximately 5:00 p.m. (or 11:59 a.m., if partaking in a course outside of the LS1 curriculum), hundreds of students at the faculty participated in the annual event of grade revelation on WebCT or Minerva. How scholars *chose* to digest their grades, however, is a matter of personal discretion. Some students prefer to be alone in their room (and away from sharp objects or movables that can readily be thrown at unsuspecting walls and innocent bystanders.) Other students, on the other hand, go for the more untraditional route of purposefully placing themselves in a public environment in order to impose public standards of rational behavior. I opt for the former. And, like many of my friends, the experience of opening up a PDF file adorned by rows of unidentifiable exam numbers and letter grades can range from utter nausea to pleasant surprise. The truth is—we are all used to being evaluated in *some form* in the academic setting. The question, however, is *which grading system would produce the most positive results in the law school environment?*

My personal experience with grading involves the following evolution: Fair, Good, Very Good, and Excellent in elementary school - A, B, C and D in Middle School - Percentage grades in High School - R score in CEGEP - back to letter grades in Undergrad (and now Law School... as we are all acutely aware). *What do these evaluative categories really mean?* What *actually* distinguishes a Gold Star of "Excellent" from a Sad Smiley Face of "Fair" in elementary school remains unanswered. What is *begging* to be addressed, however, is the hot potato issue of trading in the old-school letter grade for the modern and hip pass-fail system. It has been argued by proponents of the broader "pass-fail" classificatory scheme, that letter grades increase competitiveness and discourage students from exploring, intellectually, the boundaries of the law because of their fear of academic penalty. *(continued on pg 18)*

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment (**and not, for instance, a ".docx."**).
Contributions should also include the **student year** of the contributor.

RE: CEGEP, SCHMEGEP

by Michael Lockner (LAW II)

Rachel Sevigny's article in last week's Quid addressing the treatment of CEGEP students raises an interesting and, I think, valid point. CEGEP students do tend to get short shrift from some students who come from undergrad. I don't think her point is debatable - I've seen exactly the kind of behaviour Rachel describes on many occasions, and, frankly, engaged in it myself. With that in mind, I'd like to present a few reflections on why we (as law students with previous degrees) tend to talk down to law students from CEGEP.

Paternalism

"They missed out on undergrad. It's such an important experience. They're going straight into a career, they're not going to have matured enough or found out who they really are." This justification is interesting in that it combines both a fairly damning character judgment with a retreat to the moral high ground. It allows the satisfaction of impugning someone's worth, but from the safety of 'caring' about the development of that person. This gives the justification an air of legitimacy, making it one of the more popular reasons for dismissing students from CEGEP.

Personally, I would never have survived law school straight out of OAC (Grade 13). But that's hardly relevant to someone else. It's often hard to see beyond my own experiences, and to accept that others are able to make major life decisions faster than I did. But there's no universal, or even majority-accepted path to maturity, and 4 years of undergrad isn't necessarily going to bring a particular person closer to it. Heck, for a lot of people I know it took them further away.

And, to be honest, beyond first year I'll be damned if I can tell former CEGEP students from people who did undergrad degrees. If there actually is any

maturity difference, it disappears pretty fast (which makes sense, considering the work/responsibility load here).

Ultimately, it's easy to universalize your own experience, and to assume that everyone should have taken the path you did. But it's a pretty weak reason for looking down on someone a few years younger than you.

Aptitude

"They're not qualified to be here. They're not as good as us because they don't have the experience." This is probably the most common argument, and is among the least valid. It's the 'John McCain' argument, and I think it's as convincing coming from us as it was from him.

If students from CEGEP were just any students, I would tend to agree. But the selection process from CEGEPs is demanding enough that I think it's pretty hard to argue that there's any real systemic qualitative gap between the student groups. The students from CEGEP are some of the top students in the province - something that, for me at least, was certainly not the case at 18. Furthermore, I'm not aware of any gap in marks either, or if there is one (if rumours are to be believed) it probably favours those from CEGEP.

As much as it pains me to admit it, my four years spent studying Chaucer and Joyce did not necessarily give me an insurmountable qualitative advantage. Someone five years younger with sufficient talent and drive could certainly match the skills my B.A. gave me. The same is true for everyone else, no matter how many letters are parked after your name.

In the absence of any kind of factual basis (and considering how much it reeks of self-justificatory reasoning), this argument can be safely discarded as bullshit.

Fairness

This is the watered-down version of the previous argument. "It's not fair that I had to pay for a degree, and yet they could waltz right in at 19."

If you really wanted to be a law student at 18, and felt that your previous degree(s) were an unfortunate but necessary step on that quest, you may be justified in using this argument, and the victim of a real injustice. If it's the greatest injustice you ever face, you have my deepest envy.

If you didn't want to be a law student at 18, then why are you complaining?

Begrudging

I'll be closer to 30 than 25 when I graduate. So will many of you reading this. For some, this is a point of anxiety. Seeing people who are younger but in the same objective position heightens this anxiety. This is probably the most visceral and the least logically justifiable reason for the behaviour Rachel describes. But it's an understandable phenomenon, and a universally recognized attribute of human nature. It's jealousy, pure and simple. Someone has what we have, and is younger to boot.

Ultimately, I'd say that this is the real root of the problem, and the well from which the other justifications spring. We should be aware of the fact that we're acting like this without any real justification.

The irony of all this is that very soon we'll be on the receiving end of the exact same treatment. When we start our legal careers, every last one of us is going to be slotted right back into the bottom of the totem pole, previous degrees notwithstanding. And with every success that follows, the bulk of these arguments I've pointed out will be leveraged against us by those we'll be competing with for positions, partnerships, rulings, etc.

And, considering the increased stakes, it will all be much more intense. If we Johnny Three-Degrees have something to prove, how much more so Tony Get-Offa-My-Partnership-Track. And if you don't like being a 30 year old law student, how about being a 35 year old associate who answers to a 29 year old partner? The waters only get rougher from here.

As much as we degree-holders feel insulated from this here and now (and therefore free to justify our treatment of those younger than us), the pettiness, egotism and jealousy inherent in the professional world will revisit our sins upon us tenfold. And when that happens, unless you've had four years of dealing with it beforehand, it will be the students from CEGEP with the advantage of experience, not us.



C.É.G.E.P. = COMPLEXE DE L'ÉTUDIANT-GOSSE QUI S'ENGAGE PRÉMATURÉMENT?

by Sao Mai Nguyen (LAW I)

Manches retroussées, prêts à bondir, ils s'exclament puis s'esclaffent. Le rire des joueurs anime les petits bonhommes Babyfoot bleus et rouges. Rires confondus, bien sûr. Et je souris. Je réussis mal à distinguer parmi ces joueurs le complexé-boiteux-inexpérimenté, bref le « tout droit sorti du cégep », tout comme je distingue mal la différence entre être un joueur bleu ou un joueur rouge sur la même table de jeu. J'observe bien, encore une fois, mais je n'arrive pas à identifier celui que les autres marginalisent.

Vous me direz qu'un complexe est intime, une réalité qu'on ne peut sonder superficiellement par l'observation. Je vous l'accorde. Je n'écris pas pour déterminer l'existence ou non d'un complexe. Cela, à chacun son expérience, et je ne conteste pas le témoignage

dans le Quid précédent. Je remarque cependant que les relations entre les "tout droit sortis du cégep" et les "sagesses établies avec le temps (quoique)" y sont décrites avec une note de discorde. En cela, mon vécu est autre. Je m'interroge, on me conseille; j'angoisse, on m'écoute; je suis lente, on patiente; je suis perdue... là on se perd ensemble. Le tout, sans médisance, et sans tolérance indifféremment bienveillante. À ne pas oublier les moments de plaisir, simplement. J'ose croire que telle est la camaraderie. Et elle mérite d'être reconnue.

Certes, l'écart existe et je le ressens. Le nombre de fois que je me suis sentie naïve devant des propos réfléchis, ou trop enthousiaste devant une attitude plus tempérée. Ça va de soi: le temps a ses façons de nous faire grandir. De là à

parler d'une scission, celle qui rend amère, je ne la ressens pas. Si néanmoins un complexe se construit à cause de l'écart naturel, il peut se déconstruire à mesure que se solidifient les bases de la camaraderie.

Alors, toi qui joues à mes côtés, si tu me trouves hésitante au début, c'est peut-être parce que je tâtonne encore les règles du jeu, ou parce que je ne te connais pas encore. Mais tu as bien voulu me passer la balle, et c'est le plus important, crois-moi. T'inquiète, je te la rendrai. La partie sera longue, on s'épaulera, on se bousculera un peu, puis on rira un bon coup. Après tout, c'est ce dont on se souviendra au bout de nos quatre ans, et au diable mes 19 ans! Rires confondus, bien sûr.

SPEAK FOR YOURSELF

by Emily Kaufer (LAW II)

Recently, I came across a photo posted on Facebook that touched me on a highly personal level: foremost as a McGill Law student, yet also as a politically concerned individual. I make no apologies for "creeping" through people's Facebook albums; I am certain that many of you do the same. This particular photo was taken at a rally in support of Palestinians, where a banner being held by several McGill Law students read: "McGill Law Students en solidarité."

I am a privileged member of the McGill Law community and I am proud to stand alongside fellow classmates who share this same honor. However, it would be incorrect and unfair to assume that we as a group of students all share similar beliefs for which we will stand in solidarity to support. I am deeply bothered by the words written on the poster. Who in fact decided that these particular law students should speak on behalf of us all publicly, as a community at large? Who gave these people permission or power to represent a community of hundreds - diverse in religious and political orientation? I, for one, did not give away any such rights; nor did I democratically take part in electing any McGill Law Faculty students to speak on my behalf on this particular matter. Now that such a statement has been made in public at a rally of Palestinian supporters, I feel that I must respond and say: **YOU DO NOT SPEAK FOR ME!**

While I am a strong supporter of Palestinian rights, including the right to statehood, I remain unable to stand in solidarity with those McGill Law students who attended the rally. Do my beliefs make me a lone wolf? Highly doubtful! Why, then, did these students purport to represent our academic community at a pro-Palestinian rally, rather than march through the streets as individual supporters? I am no fool. I recognize the simple chain of cause and effect: the greater the number of rally supporters is at a particular event, the

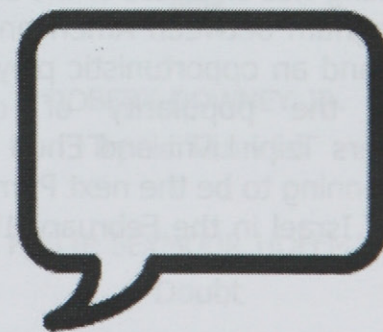
more public success and recognition is attributed to that particular cause. Yet, the truth is distorted when the beliefs and opinions of an individual are publicized without him or her ever having actually given consent. In truth, the words written on the poster fail to recognize the diverse political and/or religious beliefs of those students who chose not to attend a pro-Palestinian rally.

It is my belief that Israel will always be susceptible to the criticism conducting warfare against civilians as long as Hamas plays Russian roulette with its Palestinian children and uses them as human shields. The public reacts naturally, sickened by the horrific imagery of dead bodies and wounded civilians. This reaction, however, fails to recognize the truth behind why these children are dying and who ought to be condemned for such systematic war efforts. The blame is too often laid at the feet of Israel-- with those whose weapons have directly caused the deaths-- rather than laying the blame with those who knowingly and deliberately place children and grown adult civilians in harm's way. I am certain there are others (including McGill Law students), who share in my beliefs. Nonetheless, it would be wrong to make such an assumption and dictate, without evidentiary support, that people stand in solidarity with me. While I run the risk of having those who disagree with me challenge my views, I must remember that it is I alone who am accountable for my beliefs and for the actions I take. In a democracy like the one in which we live, no voice should speak of my commitment to solidarity without first allowing me to agree with such action.

My efforts are not to persuade or dissuade any student from taking a position on either side of the political fence. I am not using this article as an opportunity to debate with those individuals who are perturbed by the treatment of Palestinians, who have a cynical view of

the history involving Israel's inception as a state, and who tend to demonize Israel's existence. In fact, I would not insult the intelligence of any student at this faculty by using this article as a platform to preach my personal political beliefs. For those of you who may not know me well, I am a strong supporter of freedom of speech and the right to express one's own beliefs. Without freedom of speech, democracy cannot thrive. If an individual cannot freely express him or her self, nor a group itself, democracy suffers and intellectual stagnation threatens. The same, however, is true when a small group of individuals presume to represent an entire community of people, without ever having been elected to that role. We are far too prominent an academic community not to want to have our voices heard on pressing matters. Yet, we are far too intelligent as individuals to have anyone but our own selves speak on our own behalf in this particular matter.

In order to fairly publicize solidarity, the common interests, purposes, or sympathies among members of a group must first be well established. To claim that all McGill Law students stand in solidarity with Palestinian rally supporters is too bold an assertion and is, in fact, simply erroneous. I elect to remain in dissent of taking such a stand. I elect to state publicly that in matters relating to recent events in the Middle East, I have given no other McGill Law Student the right to speak on my behalf.



International Law Tells Us Ending the Occupation Will End the Violence

by Alexandra Dodger (LAW II)

Ryan Schwartz's recent article on the "proportionality of war" – a fairly Orwellian title considering the gross disproportion of the Gazan invasion – seeks to fundamentally ignore the international legal order and instead makes a moral case for the bombings. He says that Hamas attacks – which had not killed a single Israeli since the signing of a truce in June 2008 – legitimate the deliberate slaughter of over 1400 Palestinians, including over 900 civilians and 168 police officers (International Federation of the Red Crescent & Red Cross). But the invasion fails on both counts – both legally and morally.

First, let's respond to a major factual inaccuracy in Schwartz's piece. It was not Hamas that breached the six-month truce. On November 4th, 2008 when the whole world was celebrating the election of Barack Obama, the Israeli army deployed the oft-used tactic of targeted assassinations, killing 4 suspected Hamas leaders. What should we think of targeted assassinations as law students? Israeli army commanders act as judge, jury, and executioner. The truce officially expired in December and, before any negotiation process could begin to renew it, bombs began raining down on Gaza. Let's be clear – the timing was an abuse of the effective interregnum between American presidents and an opportunistic ploy to increase the popularity of cabinet members Tzipi Livni and Ehud Barak, both running to be the next Prime Minister of Israel in the February 10 elections.

Legally, it is impossible to rationalize this massacre. Israeli paper *Ha'aretz* has even reported that the army will not release the names or photos of any soldiers or officers active in "Operation Cast Lead" for fear they will be prosecuted for war crimes in third party countries; *Yediot Ahranot*, another newspaper, has just reported Foreign

Minister Livni is considering cancelling her trip to Belgium for fear she might be indicted for war crimes, as previous Prime Minister and Kadima founder Ariel Sharon was. The government of Israel knows, despite the moral handwringing offered by some of their defenders, that bombing 33 UNRWA schools, using white phosphorus to burn the skins of helpless civilians, and destroying hospitals and universities was grossly illegal.

Still, those reluctant to take sides or speak out may shake their heads thinking that this is a "cycle of violence" where Palestine and Israel's actions are equally morally blameworthy, but one side has crude homemade weapons while the other side has advanced fighter jets and the fifth largest army on earth. This isn't the case. We have to remember the context: Israel's founding involved the displacement of hundreds of thousands of Palestinians in 1948, followed by the Israeli annexation of more of their land in 1967 and the ongoing occupation of this land until today. To quote Naomi Klein's succinct analysis, "Occupiers and occupied people do not share the same responsibilities, which is why the duties and responsibilities of an occupying power are laid out in the Geneva Conventions—laws Israel violates with impunity."

The violence in Gaza stems directly from this occupation, which did not end when 8,000 settlers were removed in 2005. Israel still controls all entry and exit to the strip, along with Egypt, which acts essentially as a client state for Israel and the United States in this context. Under the Geneva Conventions, states which exercise "effective control" over occupied territory have legal obligations to the residents, yet for over a year, Israel has ignored their obligations and turned back countless convoys of food, fuel, and medicine. As Canadian taxpayers, we should be out-

raged that our annual aid contributions to the United Nations agencies weren't allowed to enter Gaza; items as simple as flour, lightbulbs and syringes were turned back from the border on a daily basis. These conditions do not justify Hamas launching rockets at Israeli civilians, but they do contextualize conditions. The conditions also constitute the kind of "collective punishment" that the Geneva Conventions also prohibit. Starving and sickening the entire civilian population of Gaza is a punitive measure intended to make them regret their political choices and is starkly against international law.

Yet from a practical level, if we were to buy into the cynical and misleading "cycle of violence" discourse and argue that any response to this crisis should punish "both sides" equally, Klein presents us with another question – how can we punish Gazans more than they are being punished already? 75% of them are refugees whose land was stolen in 1948; Gaza is essentially a squalid outdoor prison where all electricity, sewage, and telecommunications infrastructure has been destroyed.

The Geneva Conventions give us some advice on how to move forward. The best way to end the recent violence against Israel (which has come in the form of rocket fire) is to end the physical, economic, and national violence against Palestinians – which has come in the form of aerial bombings, a brutal embargo and siege, and a 40+ year occupation.



AND THE OSCAR GOES TO...



In an effort to catch the faculty up to speed with this year's cinematic successes, the Quid Crew would like to list the following Academy Award Nominations

BEST PICTURE

THE CURIOUS CASE OF BENJAMIN
BUTTON

FROST/NIXON

MILK

THE READER

SLUMDOG MILLIONAIRE

ACTRESS IN A LEADING ROLE

ANNE HATHAWAY
Rachel Getting Married

ANGELINA JOLIE
Changeling

MELISSA LEO
Frozen River

MERYL STREEP
Doubt

KATE WINSLET
The Reader

ACTRESS IN A SUPPORTING ROLE

AMY ADAMS
Doubt

PENELOPE CRUZ
Vicky Christina Barcelona

VIOLA DAVIS
Doubt

TARAJI P. HENSON
The Curious Case of Benjamin But-
ton

MARISA TOMEI
The Wrestler

BEST DIRECTOR

THE CURIOUS CASE OF BENJAMIN
BUTTON

FROST/NIXON

MILK

THE READER

SLUMDOG MILLIONAIRE

ACTOR IN A LEADING ROLE

RICHARD JENKINS
The Visitor

FRANK LANGELLA
Frost/Nixon

SEAN PENN
Milk

BRAD PITT
The Curious Case of Benjamin But-
ton

MICKEY ROURKE
The Wrestler

ACTOR IN A SUPPORTING ROLE

JOSH BROLIN
Milk

ROBERT DOWNEY JR.
Tropic Thunder

PHILIP SEYMOUR HOFFMAN
Doubt

HEATH LEDGER
The Dark Knight

MICHAEL SHANNON
Revolutionary Road

MY SUPER FRIGID CONCRETE ISLAND OF TRANQUILITY: MIDDLE EASTERN CANADA EDITION

by Mathieu Kissin (LAW II)

If you're like me, you probably have on at least one occasion entertained the possibility that you may be the central character of a Truman show spinoff. I usually dismiss this absurd and unlikely idea. After all, even if I did have my own show, it would most likely have been canceled mid-way through its first season. Nobody wants to watch some guy do ALL of his readings and attend ALL of his classes.

However, as tensions have flared up again in the Middle East, I have started to suspect that my condo building is the set for some sort of bizzaro reality TV show. Let me explain.

Israelis and Palestinians are mired in decades-old conflict which pre-dates Facebook status casualty/rocket counts. If you were to watch an old Royal Canadian Air Farce skit on the conflict, it would eerily still be relevant. This is one of the saddest conflicts because it is a constant reminder of human stubbornness and callowness. The conflict pits the Israelis (the Jews) against the Palestinians (the Arabs). The mutual antipathy between both groups is pervasive throughout the Middle East.

I tend to gauge someone's opinion on the conflict based on whether they are *too* one-sided. After all, there are innocent civilians suffering on both sides. Both employ objectionable tactics and have blood on their hands. The behaviour of political leaders on both sides resembles pre-schoolers, except for the obvious distinction that the latter do not have a cache of weapons at their disposal. I was here first, he started it, tell him to stop first, it's not my fault, it's not fair, he said mean things about me, they do it too, he's a poopie-face, he smells and so on.

We are left with a cycle of endless violence. The blame game and mistrust is largely responsible for the impasse. The

religious factions and their respective crazies certainly don't help. From this perspective one might be resigned to believe that Jews and Arabs will never get along. And yet there are plenty of examples of their peaceful co-existence, including right here in Canada.

This brings me back to my paranoid premise that my condo is the set of a televised social experiment. The inhabitants of my building form an oddly assembled cast of individuals of different ages who fall within at least one of these categories: Jewish, Arab or gay. I believe the producers of my condo show decided to add gays to shake things up in a bid for higher ratings. In my opinion it's a brilliant move, especially since some of the gays are Arab or Jewish, so there's the added aspect of whether they would clash with their respective groups or perhaps serve as a bridge between them.

I'm happy to report that the producers of the condo reality show are probably quite disappointed because our show is quite lame. We are the ground zero...poor word choice... the bastion of peaceful co-existence. In the three years I've lived in this condo building, no rockets have been fired and no apartments have been bulldozed. No condo funds have been embezzled and no disputes have arisen over the use of the common courtyard. Our only quarrels are with the hooligans who spray graffiti on our outside walls and the man who inexplicably chooses to power-wash his truck for an hour at 3am on Wednesday in the alley behind Jean Coutu.

Our condo meetings are mostly uneventful and follow a standard pattern: an issue is brought up, everyone offers their two cents. Inevitably, one of the older gentlemen mishears what the last person said and engages him/her in a spirited debate only to realize much later that they are actually in agree-

ment. Eventually, someone mercifully speaks up and proposes that we move to a vote and the motion is passed unanimously. Consensus is so easy to achieve, I'm convinced if run more efficiently, our meetings would last less than 10 minutes. I have a sneaking suspicion that the meetings are lengthy by design. The over-50-years-old posse intentionally drags on the meeting because they don't want the hanging-out to end. This is bolstered by the fact that the last meeting was scheduled on a Friday night. On a side note, I find it ironic that as a second-year law student, people in my building wrongly perceive me as an authority on legal issues, particularly ones involving civil property. If only they knew. Although, I do have a pretty good summary so I probably could provide them a satisfactory answer: "Yes sir, your chandelier is an immovable".

In conclusion this is what you should take from this article: 1) Sometimes lame is good, although I'm afraid it means that our show will almost surely be cancelled shortly. Then again, Prison Break curiously lasted 4 seasons so anything is possible. 2) Since conventional solutions to the Israeli-Palestinian conflict have failed, perhaps it is time to employ more creative strategies. Muammar Qaddafi, apparently softened with age, got the ball rolling with his op-ed in the New York Times by calling for a one state-solution dubbed "Isratine" (hey Brotherly Leader and Guide of the Libyan Arab Jamahiriya's Revolution, why no love for Palsrael? It sounds friendlier and less like paint thinner). Another possible solution to the conflict is to replicate the social experiment of which I am an unwitting participant and send over a multinational gay delegation to bolster the Israeli-Palestinian gay community and their pacifying powers. 3) I am unafraid to tackle the controversial issues, even at the risk of offense. Although I must admit to having canvassed a few people prior to make sure the article was not offensive, so I'm not really much of a risk taker at all. If I have offended you in any way, in memory of George W. Bush, please accept a sincere pre-emptive apology. Hopefully no protesters will picket my moot.

Computer Corner: If you are doing "this" in Microsoft Word, there IS a better way – part 1

Are you wondering if there is a better way to do "this" in Microsoft Word? The good news is that there is a way. The purpose of this column is to help you identify painful and manual methods of doing certain tasks and guide you to the appropriate solution. All my instructions refer to the Windows version of Word 2007, unless otherwise indicated.

Creating a table of contents (and using styles)

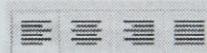
Goal: You want to create a table of contents that will show your various headings and the page numbers where these titles appear in the document.

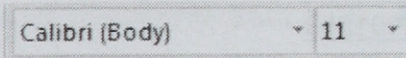
Manual approach: You wait for your document to be done. Then you start copying and pasting the titles from your document.

Solution: The trick to automatically creating table of contents is using formatting styles. Styles are the key to many tasks in Word. Look at this paragraph. A style is all about telling Words what are the characteristics shared by most of the words in this paragraph. For example, what font face am I using? What font size is this text in? Is the paragraph justified or left aligned? All these characteristics make up a style.

For those that have never used styles, you will answer that you can already do all these things. It's true, but when you "manually" format your document it means you are not being efficient. Manually

formatting means selecting this paragraph, and starting to click at these icons or areas:



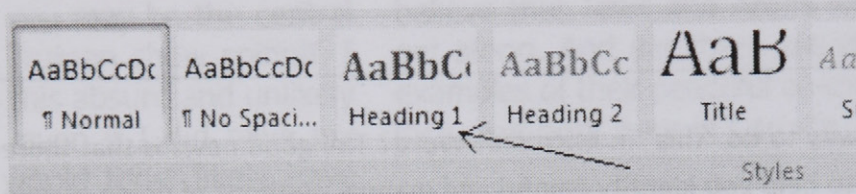
or . The problem is that you need to do this manually for every paragraph. Worse, if you want to change something, for example making paragraphs justified, you need to select everything to fix it.

When you define a style, you are telling Word that portions of your documents share the same characteristics. For example, all your titles might be in Arial and centered. Your main document might be Times New Roman and justified.

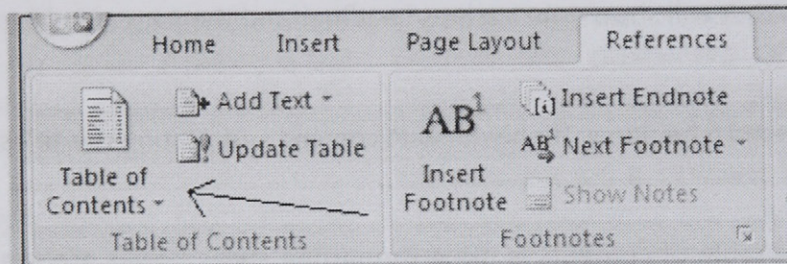
This is how an automatic table of content is created. You specify to Word what sentences are your first level of headings. You indicate which ones are second and third level. Word uses this information to decide what lines to enter in the table of content. By default, Word recognizes the style "Heading 1", "Heading 2" and "Heading 3" for the table of contents.

This is how you apply these styles:

Pick a line that you want as a first level item in your table of content. After you select it, you have to "say this is Heading 1. In Word 2007, what you are looking for is this toolbar:



If you click on Heading 1, the line you are selected will be of type Heading 1. You then need to continue doing this throughout your document. If a line needs to appear as a second level, you need to pick "Heading 2". Once you are done, you need to go back to the top of your document and insert a table of content. In Word 2007, this can be found under "References, Table of Contents":



Pick one of the default ones or select "Insert table of contents" to customize your own.

And as a bonus, I would insert a Sectional Page Break after my Table of Contents (Page Layout Tab, Breaks, Section Break, Next page in Word 2007) to ensure your main text flows to the next page. Why a sectional page break and not a regular page break? This might be the topic of a future column.

Where:

Table of contents in Windows Word 2007:

<http://office.microsoft.com/training/training.aspx?AssetID=RC102616991033>

Table of contents in Windows Word 2003:

<http://office.microsoft.com/en-us/word/HA012233231033.aspx>

Styles in Windows Word 2003:

<http://office.microsoft.com/search/redir.aspx?assetid=RC011039261033&QueryID=cLiEFAVNW0&response=6&rt=2&pid=CR061958171033>

You can find this column **with hyperlinks** online at www.twistlaw.ca. If you have any questions or suggestions for future columns, email me at Narimane.nabahi@mail.mcgill.ca.

COMMUNITY CORNER-CLASSMATE CONNECTIONS

Last week I challenged the alleged lack of "community" within the faculty, and challenged everyone to stop complaining and start creating. For those who need further encouragement, and for those who love teen magazines, I bring you "Community Corner -Classmate Connections", in which I will interview several students each week. The questions were a group-effort by a random selection of students lunching in the LSA office. If there are questions you'd like to see included, please e-mail them to laura.easton@mail.mcgill.ca

(Please note my written French is not up-to-par to be able to effectively translate the questions into French without reliance on hand gestures/charades that normally aid me in verbal conversations.)

Alex Mireault (Law III)

1. Start date: September 2006, **expected graduation:** December 2009

2. Zodiac: Capricorn

3. Favourite Study Spot: My moot room.

4. Who is your favourite law school couple -former, current, or future? Jake Hirsch-Allen and anyone.

5. What Matteo's item could you not live without? I don't eat anything there.

6. If you could have lunch with one person, living or dead, who would it be? Winston Churchill ... John Lennon might be more fun ... but at least you know there'll be a lot of scotch with Churchill. He's one of those "old boys". I like that.

7. Where's your favourite place in Montreal to pick up? I find women come to me.

8. What has been your favourite LSA or faculty-organized party to-date? Welcome Ball 2008 - what a gong show!

9. What's your favourite flavour of ice cream? Breyer's used to make this mango-wildberry thing, but there was this ... [2 mins. later, Laura can't follow]... Just put 'chocolate.'

10. Boxers or briefs? Boxer-briefs.

11. Who would you vote:

* **best hair?** Ben Sormonte 'cause no one spends more time in front of the mirror than him... Put Tom Provost.

* **nicest eyes?** You (leaning in hungrily) ... they are a well of kindness and emotion ... and yet strangely predatory.

* **most helpful?** Dalia Piccioni.

* **most smiley?** Nick Turp or Natai. Take your pick.

12. What is the weirdest job you've ever had? I worked as a horticulturist at the Winnipeg Zoo.

13. If you had to go on a date with one member of the LSA exec, who would it be? Tim Bottomer, 'cause he's got love for the streets.

14. What's the funniest thing you've ever heard in a law class? Nothing, nada. I find the pursuit of academia a serious affair with little room for laughter.

15. If you could tell your classmates one thing about yourself, what would it be? Nothing. I'd rather people continue to think of me as cold and callous.

Michael Bookman (Law I)

1. Start date: 2008, **expected graduation:** Yes.

2. Zodiac: Virgo

3. Favourite Study Spot: Across from Jamie Gibson. Dreamy.

4. Who is your favourite law school couple - former, current, or future? High-voiced Charlie + low-voiced Charlie = 100% True Love.

5. What Matteo's item could you not live without? The free plastic utensils.

6. If you could have lunch with one person, living or dead, who would it be? Edmund Burke. ...Actually, instead of Edmund Burke, I want to put Akon.

7. Where's your favourite place in Montreal to pick up? I usually find the most quality girls at places like Globe and Buona Notte.

8. What has been your favourite LSA or faculty-organized party to date? The Halloween Party with my co-pilot, Maverick.

9. What's your favourite flavour of ice cream? Mint-chocolate chip.

10. Boxers or briefs? Briefs under boxers -- for more support.

11. Who would you vote:

* **best hair?** Laura Easton

* **nicest eyes?** The girl that I've nicknamed 'Hungry Eyes', I'll have to consult my Bogenda.

* **most helpful?** Sy Yang because of the 'umbrella issue'.

* **most smiley?** Téo Leroux-Blackburn.

12. What is the weirdest job you've ever had? The one where I used to go out with Russian oligarchs and eat various mysterious parts of oxen.

13. If you had to go on a date with one member of the LSA exec, who would it be? Like Voltron, I'd take different parts of all of them. They'd morph into some super LSA hotness and we'd go out for a Steame.

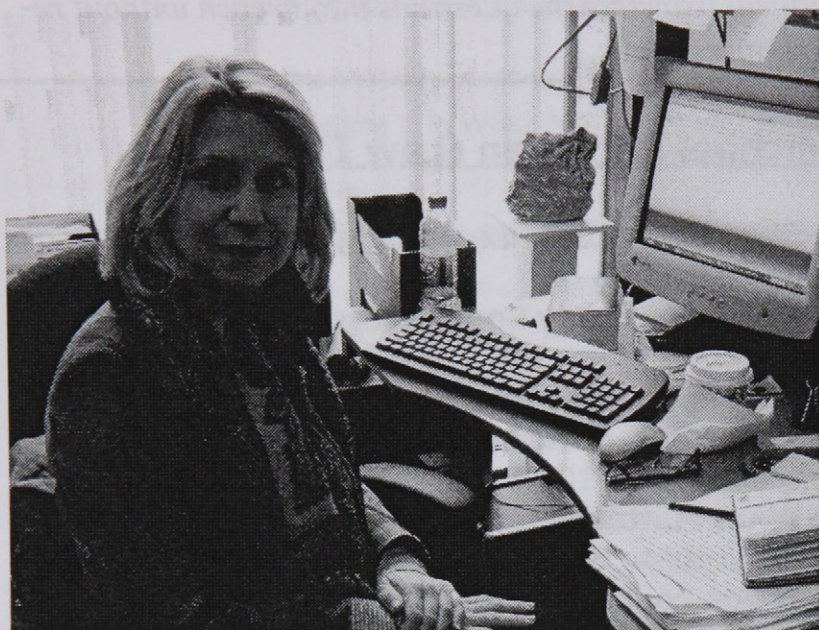
14. What's the funniest thing you've ever heard in a law class? "Jamie Desjardins is the Leviathan," paraphrase from D. Lametti.

15. If you could tell your classmates one thing about yourself, what would it be? I've been looking for a girl like you. Not you, but a girl like you.

CONTINUED ON PAGE 14

DROIT À L'IMAGE: SEEN AT THE FAC!

by Charlie Feldman (Law I)



Me. Lamed dreams up new legal meth assignments. The Quid hears that the 1L oral pleading will be replaced by an American Idol-style singing competition of original law ballads. An 'Ode to the Tax Act,' anyone?



3Ls Ariane Asselin and Gaël Pétillon look over Legal Clinic work in the Atrium. The Quid came to the realization that law classes + law extra-curriculars mean Winter break is for sure over. If only the Barreau were more like a regular bar in that you only had to pay cover to get in...

Law Librarian Daniel Boyer shows a first-year legal meth group the Canadian Abridgment. Remarked one student to the Quid, "This is awesome! If only my SNAIL friends knew about this library and all it has...." The Quid has no comment.



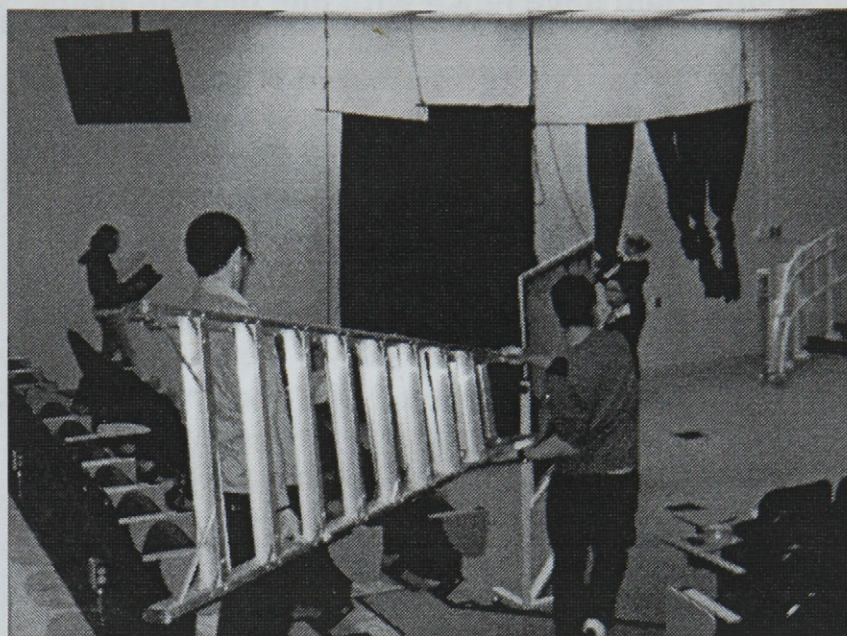
Damian Joël Lightbound et Ariane Lauziere (1Ls) écoutent un employeur lors de la Journée carrières de droit civil. Le Quid remarque que le lendemain tout le monde se sert des nouveau stylos et se demande s'il y a un lien de casualité?





2L Laura Easton and ... ??? While the Quid isn't a gossip paper (yet, anyway – this feature is as close as it gets) the Quid ponders if there's a new man in Laura's life. Reps for Laura deny any romantic rumors saying he's 'just a friend.' The Quid notes, based on precedent, 'that's what they all say'!

Actus Reus transforme le Moot Court en salle de théâtre. Le Quid note que la seule chose qui manque est un tapis rouge pour la grande soirée de première. Le Quid arrive-t-il au théâtre sans tapis rouge... c'est impossible!



Law students and faculty gather to watch the Obama Inauguration in the Atrium. When the chants of Yes-We-Can(ada) died down, the Quid quickly realized that nobody was hosting a Throne Speech watching party on January 26th. The Quid then realized that Canada needs an Obama-like inspiring figure in politics and promptly nominated Dean Kasirer for Canada's Next Great Prime Minister ... bonne chance, M. le doyen!

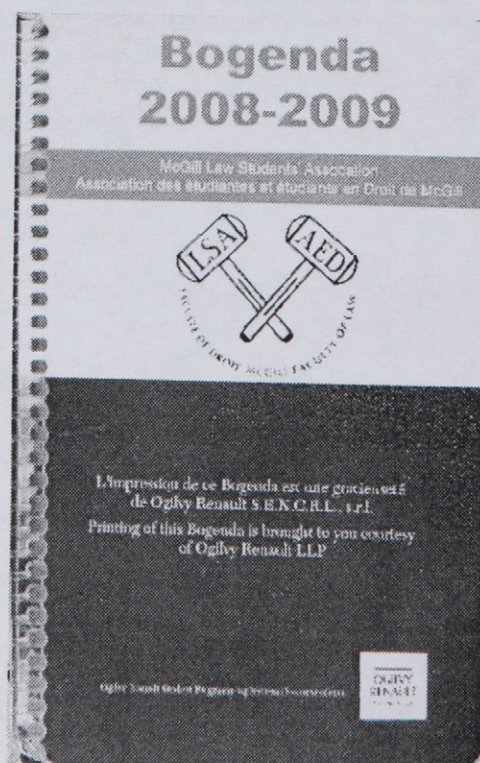


Olivier Cournoyer-Boutin (Law II)

1. **Start date:** 2007, **expected graduation:** December 2010
2. **Zodiac:** Sagittaire
3. **Favourite Study Spot:** à la bibliothèque.
4. **Who is your favourite law school couple - former, current, or future?** Lucas Gifuni et Sandrina Antohi.
5. **What Matteo's item could you not live without?** Orangina.
6. **If you could have lunch with one person, living or dead, who would it be?** George Brassens.
7. **Where's your favourite place in Montreal to pick up?** Toute la ville.
8. **What has been your favourite LSA or faculty-organized party to-date?** Conseil d'administration de l'AED.
9. **What's your favourite flavour of ice cream?** Je mange pas beaucoup de crème glacée, à la place je veux prendre les biscuits soda. (LE: Salé ou non salé?) Salé.
10. **Boxers or briefs?** Boxers. Moins sexy mais plus confortable.
11. **Who would you vote:**
 - * **best hair?** Laura Easton
 - * **nicest eyes?** Lucie Lanctuit
 - * **most helpful?** Alex Forest
 - * **most smiley?** Camille Bérubé
12. **What is the weirdest job you've ever had?** Cocher dans le Vieux-Québec.
13. **If you had to go on a date with one member of the LSA, who would it be?** Des exigences éthiques ne me permettent pas de répondre (LE: Olivier est président d'assemblée).
14. **What's the funniest thing you've ever heard in a law class?** "Obviewzly" - un certain prof de première année.

Marianne Knai (Law I)

1. **Start date:** 2008, **expected graduation:** 2011
2. **Zodiac:** Taurus
3. **Favourite Study Spot:** Home office.
4. **Who is your favourite law school couple -former, current, or future?** Matt McHugh and (enter female name here).
5. **What Matteo's item could you not live without?** Bananas
6. **If you could have lunch with one person, living or dead, who would it be?** Well what are you doing at 12:30? If you're not free, because of my new sailing obsession, Lars Grael.
7. **Where's your favourite place in Montreal to pick up?** My bedroom.
8. **What has been your favourite LSA or faculty-organized party to-date?** Hug Marianne Day.
9. **What's your favourite flavour of ice cream?** Coffee.
10. **Boxers or briefs?** Not that often.
11. **Who would you vote:**
 - * **best hair?** Téo Leroux-Blackburn
 - * **nicest eyes?** Ivan Nault
 - * **most helpful?** Joyce Tam
 - * **most smiley?** Randall Blom
12. **What is the weirdest job you've ever had?** Pro tennis player ... until I lost to Davenport in 27 minutes.
13. **If you had to go on a date with one member of the LSA, who would it be?** Well, if I go on a date I generally sleep with that person, so I would take Nathalie, Téo and Tim for diversity.
14. **What's the funniest thing you've ever heard in a law class?** Randall arguing with Moyse.



Am I here to do better than the person sitting next to me, or do we both have something great to offer? Suggestions for Enhanced Experiential Learning

by Justin Douglas (LAW II)

Maclean's magazine recently released its annual rankings of top Canadian universities. To no one's surprise, McGill placed at the top in almost every eligible category. But there was one notable exception – Student Satisfaction. Although McGill's low student satisfaction results are not specific to the law school, they did get me thinking about our program. Let me start off by saying that I wouldn't have entered this program if I didn't want to be here and take advantage of the opportunities that this education provides. However, I think that there are always ways to improve the learning experience, and, as a faculty councilor this year, I would like to offer some constructive criticism of our program, as well as some pro-active solutions.

As *Maclean's* points out, the vast majority of Canadian students attend large, research-based universities. Research and innovation provide funding for the universities, allow professors to build a reputation, and offer students opportunities to find part-time employment and practical research experience. The broad focus on research projects, however, also detracts from the classroom experience. Professors are often so busy juggling teaching, researching, faculty responsibilities and life that it can be difficult to offer students the time they need to succeed. I'm not suggesting that we halt research and innovation, just that we put equal emphasis on the importance of the classroom experience and student learning.

All of us have had to excel in our previous educational and life endeavors to get into this program. But people learn in a variety of ways, so I find it difficult to understand why almost 100% of the measurement for learning here is exam-based, with the occasional incorporation of a term paper. Just because some students have mastered the ability to regurgitate information in a sit-down

exam does not mean that they have engaged with the information more than other students have. It does not mean that they are smarter or that they have other personality qualities necessary to make good lawyers and/or community leaders. (I mention community leadership because McGill Law markets itself as a producer of many of our future leaders, even though I fail to see where leadership is taught in this program.) But even when students do demonstrate sound knowledge of course materials, we are boxed into the 'B' grading scale: 80% of students are marked in the b- to b+ range, regardless of the quality of their work. (It is also interesting to note that other law schools, like Yale, have addressed this issue of grading high achievers by moving to a pass/fail system. Just something to consider.)

To give real meaning to the grades and education we receive, I submit that we have to change the emphasis from focusing almost exclusively on exams and instead look at ways to enhance the quality of the education we're given. And one of the easiest ways to start improving the quality of education here, in my humble opinion, is to change the way first-year legal methodology is taught. For instance, I find the way the mandatory tutorials are currently structured is of little value: they provide limited feedback on assignments long after they are completed, without opportunity for improvement. Instead, we should be able to use the tutorials as an opportunity to workshop our materials, get peer reviews, and discuss class readings and cases in small groups, where constructive conversations can be had and useful feedback can be given. We should also have rewrite opportunities on memos and factums, so that we can actually identify where we excel and where we need to improve. And there should be more emphasis on mooting and other forms of experiential

learning. I gained so much from my first year moot. It was my first glance at the real possibility of being a courtroom lawyer. But after three semesters here, I can't tell you a thing about how courtrooms work, although I did spend almost an entire semester being instructed on the philosophy of the word "constitution".

Another simple change that would improve our learning would be to have rewrite opportunities for first year papers. Legal writing is different from the disciplines we come from, and it takes time and practice to understand these differences. So, if a paper is worth 30%, the first draft grade could be 25%, and then for students who want real feedback and the chance to improve, a rewrite opportunity would be available for an additional 5%. Going back over a paper and making changes that address specific areas of weakness would do wonders to really help understand a specific subject matter and would also help improve the overall quality of work.

Readings for courses are often excessive. Instead of having ridiculous amounts of material to cover, professors should limit the amount of reading and focus on getting the most out of the materials we can realistically go over. Although some may think it is a useful skill to be able to skim material and identify what areas a professor is likely to address in an exam, I believe that going into greater depth in some areas at the expense of others would give students the solid foundations we need to identify those aspects of the materials that really do matter.

As well, lawyers in the field often work in teams, so why is our education so focused on individual learning? I know students don't like to depend on others for their grades. That's fair...but students need to learn how to work with others, not just as preparation for work-

ing in firms, but for life in general. Can you think of one job that is related to legal education that requires you to be a hermit and not socially interact with others? Conflict resolution, team building exercises, and public speaking are easy to incorporate into learning environments if there is a will to do so, and adapting these ideas into the realm of legal studies is key to giving students all of the necessary skills to succeed. Great lawyers (and "successful" people in general) are those who have mastered emotional intelligence, not just intellectual knowledge. They have figured out how to walk into a courtroom with confidence, they can articulate their ideas, and they know how to effectively communicate with others. A 10% participation grade for the occasional comment in a class of 60 people is not a useful tool for success.

I would like to give props to profs like Brooks, Anker, and Campbell, who (again, in my opinion) have attempted to incorporate innovation into their teaching styles. Whether it is a fieldtrip to see aboriginal-style justice, opinion-

and feeling-based assignments, or just sheer enthusiasm for the subject matter, there are many ways to engage students that go beyond traditional forms of education. Obviously, some approaches will work better for some students, and we don't have to like every aspect, but I appreciate attempts to push the boundaries of traditional education and strongly encourage other professors to get onboard this bandwagon.

Although I'm against the commodification of higher learning, we do pay a lot for this experience, and it takes a toll on other important areas of life, like family, friends and health. The stress associated with this program is conducive to substance abuse and other poor life choices, all in the name of getting ahead of the competition. There are few mechanisms for support, and students often find themselves alone and overwhelmed. I've come to the conclusion that the "one educational model fits all" approach simply isn't effective for meeting the individual needs and learning styles of the greater student

body, and that's why student satisfaction is so low. Right from the recruitment process, McGill Law proudly promotes its diverse student body, the trans-systemic approach to learning, and the bilingual nature of the program. All these things make learning at McGill unique, and they are why I chose this university. But if McGill Law really wants to remain at the cutting-edge of legal education, then I believe there needs to be a focus on broad-based experiential learning and a move away from 100% exams and the traditional "whatever doesn't break you makes you stronger" approach to learning. I suppose it comes down to what you believe: am I here just to do better than the person sitting next to me, or do we both have something great to offer? I think it's pretty clear that I believe every student in this program has potential, and if McGill really wants to offer the "best" education, then it should be helping all of its students develop their potential. And that means offering a variety of teaching and grading methods, learning modalities, and support systems.

JEFF HALPER AND JULIUS GREY DEPRESSED THE STANDARDS OF HONEST DEBATE

by Oliver Moore (LAW IV)

I attended Jeff Halper's talk at McGill on January 14th and emerged profoundly disappointed at how acceptable it has become to distort and misrepresent facts when the purpose is to denigrate Israel. I wasn't expecting to agree with much of what was said at the Halper event, but (call me crazy) I was not expecting to be subjected to a barrage of unabashed misrepresentations, either. Let me give a few examples of what I mean.

Julius Grey spoke before Halper and proceeded to put on display the ease with which he is able to give spontaneous free reign to a sordid imagination. After positing that "real" human-rights activists are recognised by their engagement with controversial causes, he proclaimed that Israel's attack on Gaza is so morally unjustified as not to be controversial at all. Setting aside the minor point that by his logic,

the events in Gaza do not constitute a worthwhile human-rights issue, I was shocked by the level of rhetorical indirection and innuendo to which this man was willing to descend in order to vilify the Israeli state. He stated, with an ambiguous level of sarcasm that, while Israel kills hundreds of civilians, that's "ok" because they "got one or two terrorists — maybe." Mr Grey handily concluded that such reasoning is morally indefensible. First, and most importantly, Mr Grey showed himself to be gravely misinformed with respect to the statistical facts. In fact, Hamas combatants, at all times in the recent fighting made up a significant portion, if not a majority of Palestinian casualties in Gaza. Authoritative statistics are hard to come by (in large part because Hamas combatants disguised themselves as civilians), and numbers vary, but there is no real doubt that the number of combatants killed is in the hundreds.

Secondly, Grey fudged the fact that Israel targets only Hamas while taking significant measures to minimize civilian suffering: civilians are warned of impending attacks by leaflet and by phone; dozens of injured Palestinian civilians are receiving treatment in Israeli hospitals. Thirdly, Grey omitted the highly salient point (speaking, as he was, of moral justification) that, while Hamas both targets Israeli civilians and uses Palestinian civilians as human shields, Israel builds shelters for its civilians and does everything possible within the constraints of war to avoid harming Palestinian civilians. This is the stuff of arrant vilification, from a man said to enjoy some degree of esteem in Montreal.

Having thus set the stage for chicanery, Grey yielded the floor to the loutish Jeff Halper, whose address stuck to one consistent, and dismally dishonest,

theme. Halper's overall approach consisted in projecting the political positions of the Israeli right-wing fringe onto the country as a whole. He presented the notion of the historical "Land of Israel" as if there existed an Israeli consensus in favour of maintaining control over the whole of it. Nothing could be further from the truth. Here's a working estimate: of the 120 representatives in the Israeli Knesset (Parliament), approximately nine to 20 stand for ideological attachment to the concept of the "Land of Israel." Some 70 are either willing or eager to make territorial concessions, of varying extent. The remaining number of representatives, perhaps about 35, may or may not favour territorial concessions, depending on various contingent factors. And yet Halper, addressing an audience who, we must assume, is less familiar than he with Israeli politics, depicts the right-wing fringe as representative of the entire country. This is the stuff of calumny; it is simply untrue. The fact, as has been widely covered in the international media, is that Israeli governments of the left, the right, and the centre have been negotiating territorial withdrawal with the Palestinians since 1991 and thus obviously cannot have been guided by the ideological concept of the "Land of Israel."

Halper stated that "in Israel we don't talk about 'Palestinians' — only about 'Arabs'." To call them Palestinians would legitimise them, he explained. He was referring to the Arab citizens of Israel, who, indeed, are generally,

though not exclusively, conceived of inside and outside of Israel as "Israeli Arabs." And yet Halper, by leaving his statement unqualified, blithely allowed his audience to conclude that he was referring to the Palestinians at large rather than only to Arab citizens of Israel. The fact is that just about every part of Israeli society, even most of the right-wing fringe with which he would like to identify Israel as a whole, refers to the Palestinians, be they in the West Bank, Gaza, or any other place outside of Israel, as "Palestinians." Yet Halper chose to imply that Israel is some sort of strange place, in denial and disconnected from the world, where the very term "Palestinian" does not exist. Once again, especially when presented to an audience not likely to have travelled to Israel, this is the stuff of calumny.

Halper claimed, in so many words, that "Israel is not a democracy." This is laughable. As "evidence," he pointed to the recent decision of the Knesset Central Elections Committee to bar two parties currently represented in the Knesset from next month's national election. This issue is a difficult and fairly complex one, but nothing about it bodes ill for Israeli democracy. Israeli law provides for the disqualification of parties which negate the Jewish and democratic nature of the state, which incite to racism, or which support Israel's enemies. Of the three Arab parties which currently enjoy Knesset representation, it was determined by the Committee that two should be banned. The ban is aimed at the po-

litical acts and positions of these two parties and not at their Arab identity. Indeed, the only party so far ever to have been successfully banned in Israel was Jewish. Furthermore, the decision has yet to undergo judicial review, which may yet prove unfavourable to the ban. None of these highly salient facts was even mentioned by Halper. He clearly preferred to stick to statements made inflammatory by being left either incomplete or entirely inaccurate as "evidence" for a most untenable claim — "Israel is not a democracy." If this is not base vilification, I don't know what is. Irrespective of the outcome of this debate going on in Israeli society, there can be no doubt that it has arisen from, and is being treated in accordance with, democratic principles and the rule of law.

Halper had the effrontery, as part of a most unenlightening discussion of whether or not Israel is a "Western" country, to say that Israel appears to be superficially Western because Israelis are "kinda white." Never mind the various loathsome, illogical, and even nonsensical aspects of such a statement: it is about as accurate as saying that Americans are white. It constitutes yet another example of the cheesy attitude evinced by Halper throughout his talk: he pandered to the lowest instincts of a hapless audience.

ing in firms, but for life in general. Can you think of one job that is related to legal education that requires you to be a hermit and not socially interact with others? Conflict resolution, team building exercises, and public speaking are easy to incorporate into learning environments if there is a will to do so, and adapting these ideas into the realm of legal studies is key to giving students all of the necessary skills to succeed. Great lawyers (and "successful" people in general) are those who have mastered emotional intelligence, not just intellectual knowledge. They have figured out how to walk into a courtroom with confidence, they can articulate their ideas, and they know how to effectively communicate with others. A 10% participation grade for the occasional comment in a class of 60 people is not a useful tool for success.

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Secondly, Grey fudged the fact that Israel targets only Hamas while taking significant measures to minimize civilian suffering: civilians are warned of impending attacks by leaflet and by phone; dozens of injured Palestinian civilians are receiving treatment in Israeli hospitals. Thirdly, Grey omitted the highly salient point (speaking, as he was, of moral justification) that, while Hamas both targets Israeli civilians and uses Palestinian civilians as human shields, Israel builds shelters for its civilians and does everything possible within the constraints of war to avoid harming Palestinian civilians. This is the stuff of arrant vilification, from a man said to enjoy some degree of esteem in Montreal.

Having thus set the stage for chicanery, Grey yielded the floor to the loutish Jeff Halper, whose address stuck to one consistent, and dismally dishonest,

theme. Halper's overall approach consisted in projecting the political positions of the Israeli right-wing fringe onto the country as a whole. He presented the notion of the historical "Land of Israel" as if there existed an Israeli consensus in favour of maintaining control over the whole of it. Nothing could be further from the truth. Here's a working estimate: of the 120 representatives in the Israeli Knesset (Parliament), approximately nine to 20 stand for ideological attachment to the concept of the "Land of Israel." Some 70 are either willing or eager to make territorial concessions, of varying extent. The remaining number of representatives, perhaps about 35, may or may not favour territorial concessions, depending on various contingent factors. And yet Halper, addressing an audience who, we must assume, is less familiar than he with Israeli politics, depicts the right-wing fringe as representative of the entire country. This is the stuff of calumny; it is simply untrue. The fact, as has been widely covered in the international media, is that Israeli governments of the left, the right, and the centre have been negotiating territorial withdrawal with the Palestinians since 1991 and thus obviously cannot have been guided by the ideological concept of the "Land of Israel."

Halper stated that "in Israel we don't talk about 'Palestinians' — only about 'Arabs'." To call them Palestinians would legitimise them, he explained. He was referring to the Arab citizens of Israel, who, indeed, are generally,

though not exclusively, conceived of inside and outside of Israel as "Israeli Arabs." And yet Halper, by leaving his statement unqualified, blithely allowed his audience to conclude that he was referring to the Palestinians at large rather than only to Arab citizens of Israel. The fact is that just about every part of Israeli society, even most of the right-wing fringe with which he would like to identify Israel as a whole, refers to the Palestinians, be they in the West Bank, Gaza, or any other place outside of Israel, as "Palestinians." Yet Halper chose to imply that Israel is some sort of strange place, in denial and disconnected from the world, where the very term "Palestinian" does not exist. Once again, especially when presented to an audience not likely to have travelled to Israel, this is the stuff of calumny.

Halper claimed, in so many words, that "Israel is not a democracy." This is laughable. As "evidence," he pointed to the recent decision of the Knesset Central Elections Committee to bar two parties currently represented in the Knesset from next month's national election. This issue is a difficult and fairly complex one, but nothing about it bodes ill for Israeli democracy. Israeli law provides for the disqualification of parties which negate the Jewish and democratic nature of the state, which incite to racism, or which support Israel's enemies. Of the three Arab parties which currently enjoy Knesset representation, it was determined by the Committee that two should be banned. The ban is aimed at the po-

litical acts and positions of these two parties and not at their Arab identity. Indeed, the only party so far ever to have been successfully banned in Israel was Jewish. Furthermore, the decision has yet to undergo judicial review, which may yet prove unfavourable to the ban. None of these highly salient facts was even mentioned by Halper. He clearly preferred to stick to statements made inflammatory by being left either incomplete or entirely inaccurate as "evidence" for a most untenable claim — "Israel is not a democracy." If this is not base vilification, I don't know what is. Irrespective of the outcome of this debate going on in Israeli society, there can be no doubt that it has arisen from, and is being treated in accordance with, democratic principles and the rule of law.

Halper had the effrontery, as part of a most unenlightening discussion of whether or not Israel is a "Western" country, to say that Israel appears to be superficially Western because Israelis are "kinda white." Never mind the various loathsome, illogical, and even nonsensical aspects of such a statement: it is about as accurate as saying that Americans are white. It constitutes yet another example of the cheesy attitude evinced by Halper throughout his talk: he pandered to the lowest instincts of a hapless audience.

(continued from page 2)

In the fall of 2009, Harvard Law School will be joining its friends, Yale and Stanford, by moving to a pass-fail grading system. And since Harvard is America's McGill, one cannot help but wonder if McGill would be advantaged or disadvantaged by a similar move. Above the Law, a legal tabloid, warns that the pass-fail shift among America's elite law schools "may be a case of 'be careful for what you wish for, you might just get it'". The tabloid notes that one of the biggest disadvantages of an 'under-articulated' grading system is that there will be fewer opportunities for students to distinguish themselves academically from their peers. One commentator on the tabloid's blog argued that "fluffy grading" is only a luxury of schools in the Top 5 where grades are less important; most law schools, however, require letter grading so that students

can show they were in the "top-whatever %" of their class in order to get jobs and clerkships.

Elena Kagan, the Dean of Harvard Law School, wrote the following to her students in an email after announcing the move to a pass-fail grading system:

I am writing to let you know that the faculty decided yesterday to move to a grading system with fewer classifications than we have now. The new classifications, much as at Yale and Stanford, will be Honors-Pass-Low Pass-Fail. The faculty believes that this decision will promote pedagogical excellence and innovation and further strengthen the intellectual community in which we all live.

It is possible that the pass-fail system, nicknamed "3k" at Stanford (for credit, reduced credit, no credit) will cultivate collegiality in the faculty and reduce

anxiety surrounding exams and papers. We are all, after all, attending a professional school: we want the degree *and* the education. Rather than being motivated by the weight of a grade, we could shift our attention to the weight of *issues*. It is worth mentioning that the Faculty of Medicine at McGill is pass-fail in first year; the justification for that evaluative scheme is that being *admitted* to medical school is the threshold, and anyone who can get *in* must certainly be *good enough*. Does that rationalization apply to McGill Law? After all, I remember being told by a professor in one of my first classes at law school, that McGill was the NHL: it didn't matter if you were center forward or benchwarmer. That logic, however, was not reassuring on January 16, 2009 at 5 p.m. Students who are used to getting ice time can never sit comfortably on the bench.





WEEKLY LUNCH MENU for the LAW FACULTY: EFFECTIVE MONDAY January 26th, 2009

<u>MONDAY</u>	<ul style="list-style-type: none"> • Italian Sausage • Pasta • 1/2 Pizza, 1/2 Pasta dish 	\$5.75
<u>TUESDAY</u>	<ul style="list-style-type: none"> • Meat Loaf • Pasta • 1/2 Pizza, 1/2 Pasta dish 	\$5.75
<u>WEDNESDAY</u>	<ul style="list-style-type: none"> • Chicken Quesadillas • Pasta • 1/2 Pizza, 1/2 Pasta dish 	\$5.75
<u>THURSDAY</u>	<ul style="list-style-type: none"> • Veal Stew • Pasta • 1/2 Pizza, 1/2 Pasta dish 	\$5.75
<u>FRIDAY</u>	<ul style="list-style-type: none"> • Club Sandwich OR Lasagna • 1/2 Pizza, 1/2 Pasta dish 	5.75

THINKING YOU HAVE SEEN IT ALL

by Hinda Rabkin (LAW IV)

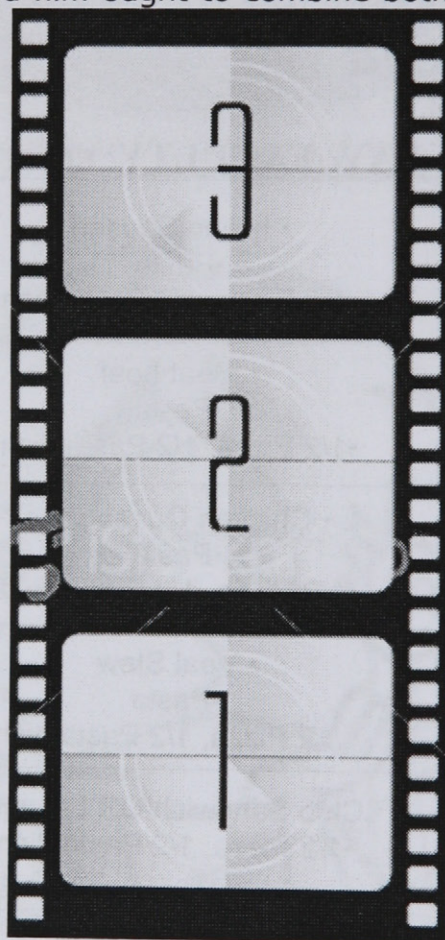
On a cold evening in September 2006, two non-superstitious McGill students (religions major and law student) held an impromptu vigil at the then-closed Cinema du Parc. Having checked the bus schedule and seeing that they had 20 minutes to spare, they wandered around the Parc mall before arriving at the hallowed glass doors of the abandoned Parc Cinema. They spontaneously decided to commemorate Parc Cinema and recall how it had enriched their lives. On their knees before the entrance, with hands clasped together, they named a cinematic event that had profoundly marked them at this site. One student recounted how she had been introduced to Kurosawa at Parc, notably the *Seven Samurai* and *Rashomon*. The other, spoke about the Davids – Cronenberg and Lynch. They ended their vigil with a moment of silence. With the smell of popcorn still emanating from the place, they pleaded for it to be reopened. Eerie coincidence or not, a week or two later, it was announced that Cinema du Parc would again open its doors in late October.

As of yet, there are no plans to do the same for Ex-Centris. Nevertheless, the loss of Ex-Centris is lamentable. Last year, Professor Kirsten Anker and a number of students from the Aboriginal Peoples and the Law class got together there to watch *'Le peuple invisible'* and to discuss it afterwards at the cinema café. I think the experience would have been very different had it taken place at the noisy and busy AMC.

I don't mean to dwell on the loss of art house cinemas in Montreal. I still haven't gotten over the closing of Cinema Outremont where I used to be taken on Sunday afternoons as a treat when I was a kid. I particularly remember seeing *'La Gloire de Mon Père'* there.

But the increasing closings of the big screens seem parallel to the increasing proliferation of the small ones. The New York Times Magazine Screens Issue (November 2008) published an inter-

view with David Lynch where he discusses how film was made for the big screen. According to him, the necessary visual and audio effect for a complete experience can only happen at the theatres. He considers watching Kubrick's *"2001: A Space Odyssey"* on the small screen "a pathetic joke". And yet, more and more people watch films on computer screens or small TVs which have poor sound and poor picture; despite having watched the movie, these people haven't really seen the film. The problem with the small screen is that it emphasizes plot over visuals whereas a good film ought to combine both and



accentuate both as necessary. It's not just about the story – the experience is more about how this story is told. David Lynch openly confesses that he thinks the plots of his movies are pathetic. Thus, those who watch his films on the small screen, be it ipod or laptop, will probably hate his movies (of course the possibility remains that you can hate it while watching it at the theatre but at least you've given it a fair chance).

I was recently on a 17-hour harrowing flight and watched about 3 movies to pass the time. One of them, I had seen

before at the movie theatre near uni (for exchange students headed to Melbourne - Cinema Nova is a must!) - and had loved it at the time. Watching it again on the tiny screen in front of me, I found the plot pathetic and did not enjoy the movie at all. If I had only ever seen it on the small screen, I would have never appreciated it and might have dismissed it. It would have been my loss.

Focusing on narrative alone rather than on artistic context, reminds me of a practice I confess that I remain guilty of committing from time to time. I can often skip descriptive paragraphs in novels so as to move on the 'plot'. As a result, I may miss crucial aspects of the book and what makes it great - rich descriptive writing - all because of my obsession with 'what will happen next'. I used to do this all the time as a teenager, finding descriptive passages unnecessary. But good writing is good regardless of its use to move a story. In addition, these lines may contribute to the mood or setting of the work in a way that direct plot never can.

I know that it can get expensive to go the movies, and you can't go in your pyjamas after a long day's work. But I suppose it would be good to remember, especially in today's age where people watch movies on their ipods, that seeing a movie on the small screen is really just seeing a fraction of it. Perhaps if more films were watched on the big screen, there would be a better appreciation of complex films with 'pathetic' plots and beautiful cinematic sweeps and thus greater demand for them. And hopefully as a result, art house movie theatres would stay open.



GRAD BALL SURVEY – JANUARY 2009

Quelques remarques avant de commencer ...

Les questions du sondage ont été conçues pour déterminer ce que vous considérez être un bal des finissants IDÉAL. Vos réponses auront un impact sur les choix que nous ferons en bout de ligne. Aussi, veuillez garder à l'esprit que vos réponses devraient être, dans la mesure du possible, cohérentes les unes par rapport aux autres. Votre choix d'endroit, par exemple, devrait s'accorder avec vos préférences en termes de coût, de restauration et d'alcool. Votre participation permettra au comité de prendre les meilleures décisions pour tous.

Veuillez noter qu'une version en ligne de ce sondage est disponible à :

http://www.surveymonkey.com/s.aspx?sm=Ay4m_27H2hTo0qD62hQ_275D0Q_3d_3d. De plus, nous pouvons vous envoyer une copie électronique de ce document à votre adresse courriel de McGill si vous le souhaitez. Remplissez le document et renvoyez-le à megan.cowan@mail.mcgill.ca ou lisa.smith1@mail.mcgill.ca

YOU MAY CIRCLE MORE THAN ONE RESPONSE FOR EACH QUESTION.

1. When would you like the ball to take place?

- a. Saturday, March 28th
- b. Saturday, April 4th
- c. Friday, May 1st
- d. Saturday, May 2nd
- e. Friday, May 29th (date of Spring convocation)
- f. Other (please specify)

2. Who would you like to attend the ball (besides faculty and staff)?

- a. Third and fourth year students (and guests) only
- b. All students (with sales to graduating students first)
- c. All students (all tickets on sale at same time)
- d. Other (please specify)

3. Where would you like the ball to take place?

- a. Hotel/conference centre
- b. Somewhere outside of Montreal (e.g. chalet at Mont-Tremblant)
- c. Bar/lounge
- d. On-campus (e.g. SSMU ballroom)
- e. Other (please specify)

4. How much would you be willing to spend per person (keeping in mind the other preferences you have expressed)?

- a. Up to \$40
- b. Up to \$60
- c. Up to \$80
- d. Up to \$100
- e. Up to \$120
- f. Other (please specify)

5. What style of dress would you like to see at the ball?

- a. Casual
- b. Semi-formal/Cocktail (no jeans; females: short or long dresses or dress pants; males: collared shirts)
- c. Formal (females: long gowns; males: suit and tie)

d. Other (please specify) _____

6. What kind of food would you like served at the ball?

- a. Snack/appetizer food
- b. Sit-down meal
- c. Buffet style
- d. Coffee and dessert
- e. Other (please specify) _____

7. What kind of alcoholic options would you like at the ball?

- a. Regular paid bar (possibly with specials)
- b. Limited drink tickets (e.g. 2 free drinks per person)
- c. Open bar
- d. Other (please specify) _____

8. Would you like to have speeches at the ball? If so, by whom?

- a. No speeches
- b. Outside speaker
- c. Valedictorian
- d. LSA member or other student
- e. Other (please specify) _____

9. What kind of entertainment would you like to see at the ball? (NOTE: this is a two-part question!)

a. PART I

- i. Entertainment from inside the law student body
- ii. Entertainment from outside the law student body

b. PART II

- i. Professional DJ
- ii. Student DJ
- iii. Live band
- iv. Other (please specify) _____

10. What year are you in?

- a. Law I
- b. Law II
- c. Law III
- d. Law IV
- e. Graduate student
- f. Exchange/Visiting/Other

11. When will you be graduating?

Month: _____
Year: _____

12. Are you excited for grad ball?

- a. Yes
- b. No

Merci de prendre le temps de remplir notre sondage! Vous pouvez retourner ce sondage au bureau de l'AÉD (dans la boîte aux lettres des Présidents de 3^{ème} année). De plus, n'oubliez pas que nous pouvons vous envoyer une copie électronique de ce document à votre adresse courriel de McGill. Remplissez le document et renvoyez-le à megan.cowan@mail.mcgill.ca ou lisa.smith1@mail.mcgill.ca

N'hésitez pas à nous envoyer par courriel tout autre commentaire, question ou suggestion!

THINKING OUTSIDE THE BOX

by **Désirée Akhavan**
(LAW II)

You put me in a box and slapped on a label. I don't know what it says, but I do know that it's most likely reductionist and, on top of that, incorrect. I don't know what you've heard or what you think you know. I'll tell you what I know. I know that when you look at me, your mind is forming unsound opinions and your heart is filling up with an aversion to someone who may very well be a kindred spirit. You're pretty, but you look threatened, and that's unattractive. I smiled, introduced myself, and asked you your name. Taking a moment to collect yourself before replying, you betrayed your surprise. Your next comment betrayed that you (thought you) knew who I was. It told me you'd had time to form a judgment, and that you held an image in your mind of what I must have been, an image I shattered with a smile.

Behind each look is a judgment, whether buried deep in thought or easily accessible and ready for lunch-time gossip, and often times that judgment is passed much too quickly.

What are these judgments based on? External appearance and a broken telephone. We judge men and women alike based on clothing (or lack thereof), hairstyle, jewelry, facial expression and mannerisms—things you can notice from across the atrium, with no need for interaction. To add insult to injury, we are victims of the broken telephone phenomenon. The rumors and gossip that spread can become so far removed from the truth, if even based on any fact to begin with. But based on truth or not, they inhibit our ability to form our own sound judgments, either by seemingly removing the necessity to do so, or by embedding someone else's opinion in the back of our mind, an invisible hand that guides and haunts our thoughts.

Why do we make quick judgments? It is easier to take what we see and hear and classify it than to do the research required to discover the full truth. What with classes all day and meetings during universal break, who has the time to actively overcome those initial judgments? Moreover, people often don't know how to act when proven wrong in their judgments. They hold on to what

they thought they knew, and even resent you for proving them wrong. Instead of embracing the good qualities in the other person, they lazily cling to those negative associations: it's easier to dislike someone who is annoying, pretentious, etc, than to look past those qualities and see them as equals. We try to forget our own imperfections, and, in an attempt to fool ourselves and those around us, we draw attention to vices in our peers.

This is the community environment we have perpetuated. We smile and say hi, but then turn our backs and smirk. We have lofty ideals and are driven by the fight for human rights and access to justice. But we fail to realize that we must first win that fight in our own, admittedly specialized, microcosm of the world. If we can't look at one another with "just" eyes and see the value inherent within our fellow classmates, how can we purport to achieve such goals as regards the rest of mankind?

I'm not saying that we all need to be best friends; it is natural to prioritize who we spend time with. But let us have the wisdom to set aside the preconceived notions which taint our interactions. We can be open to re-evaluating those initial judgments and seek the truth for ourselves. We can have enough respect for one another to think outside the box.

Law School of Rock 2009 is upon us!

Thursday, January 29, your fellow students will be rockin' The Saints Showbar (30 Ste. Catherine St. West, corner Saint-Laurent).

Bands playing include Umlaut, The Deans, The Antakis, The Considerations, and Captain Titanic and the Icebergs. There will also be acoustic sets by Colleen Kelly and Emilie Wapnick, John Lofranco, Scott Loong, Natai Shelsen, Lucinda Tang, and Patrick Garon-Sayegh. Yes, all the musicians are your fellow McGill law students!!!!

Tickets are 5\$ pre-sale, available at the faculty from performers, or at various times in the atrium. They are also 5\$ at the door, but save the hassle and buy them ahead of time. Doors open at 8:15 p.m. for the show, which will start before 9 p.m. Get there early so you don't miss the opening act, The Deans, and their tribute to classic rock.

It will be the greatest show of the year! Get your tickets now!
The Skit Nite Committee

Nick Turp
Élise Béland
Colleen Kelly
skitniterocks2009@gmail.com

LAW SCHOOL OF ROCK

Thursday

January
29 2009

THE SAINTS SHOWBAR

30 rue Sainte-Catherine Ouest
(corner Saint-Laurent)

(514) 875-5757

www.saintsmontreal.com

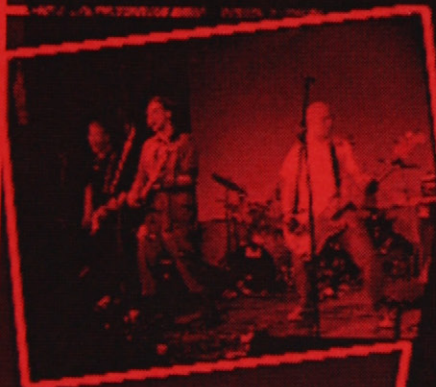
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www.blakes.com

SAINTS

5\$

**SHOWTIME 9 P.M.
(DOORS @ 8:30)**



featuring:

The Deans

The Antakis

And so many more!!!

